ORIGINAL

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIEST ROME DIVISION

FILED IN CLERK'S OFFICE
US D.C. Forms

OCT 1 5 2003

THER D. FORMAS, CLARK

IN RE: TRI-STATE

CREMATORY LITIGATION

MDL DOCKET NO. 1467

REQUEST FOR FILING OF ORIGINAL DISCOVERY

COMES NOW Kerby Funeral Home, L.L.C. and requests that Plaintiffs file the original deposition transcript of Kenneth Vaughn.

Respectfully submitted this 15th day of October, 2003.

Respectfully submitted,

SWIFT, CURRIE, McGHEE & HIERS, LLP

By:

John W. Campbell

Georgia State Bar No. 002820

David C. King

Georgia State Bar No. 422220

Attorneys for Defendant Kerby Funeral Home, LLC.

SWIFT, CURRIE, McGHEE & HIERS The Peachtree 1355 Peachtree Street, N.E. Suite 300 Atlanta, Georgia 30309-3238 (404) 874-8800

594

BRINSON, ASKEW, BERRY, SEIGLER, RICHARDSON & DAVIS, LLP

Robert M. Brinson Georgia Bar No. 082900 J. Anderson Davis Georgia Bar No. 211077 The Omberg House 615 West First Street Post Office Box 5513 Rome, GA 30162-5513 Phone 706/291-8853 Fax 706/234-3574

Lead and Liaison Counsel for Defendant Funeral Homes

CERTIFICATE OF SERVICE

This is to certify that I have this day served counsel for all parties with a copy of the within and foregoing **Request for Filing Original Discovery** by causing a copy of same to be placed in first class U.S. mail with adequate postage affixed thereto and addressed as follows:

Robert H. Smalley, III, Esquire McCAMY, PHILLIPS, TUGGLE & FORDHAM, LLP Post Office Box 1105 Dalton, GA 30720-1105 Liaison for Plaintiffs

McCracken Poston, Jr., Esquire
OFFICE McCRACKEN POSTON
Post Office Box 1130
Ringgold, GA 30736
Liaison/Lead Counsel for Tri-State Crematory, Inc. and the Marsh Family

J. Anderson Davis
The Omberg House
615 West First Street
Post Office Box 5513
Rome, GA 30162-5513
Lead and Liaison Counsel for Defendant Funeral Homes

This 15th day of October, 2003.

David C. King

Georgia Bar No. 422220

Counsel for Kerby Funeral Home, LLC